

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Dr. Justo González Trápaga, et. al.

Plaintiffs

vs.

Atlantis Health Care Group (Puerto Rico), Inc.,
et. al.

Defendants

Civil Núm. 10-1439

Anti-trust; Health Care Quality and
Improvement Act of 1986

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

Pursuant to 28 U.S.C. §§ 1441, 1446, co-defendant Atlantis Health Care Group (Puerto Rico), Inc., ("Atlantis") hereby removes the above captioned civil action from the Court of First Instance, Mayaguez Superior Court, to the United States District Court for the District of Puerto Rico. In support of removal, Atlantis respectfully states:

1. On May 11, 2010, Dr. Justo L. González Trápaga, his wife Nancy Roig Flores and the conjugal partnership constituted amongst them commenced a civil action against Atlantis and others, in the Court of First Instance of Puerto Rico, Mayaguez Superior Court, claiming antitrust actions under the Sherman Anti-trust Act and the Clayton Act through the mechanism of peer review in Atlantis facilities. The case has been assigned the number ISCI201000689.

2. Atlantis was served with summons and a copy of the complaint on May 14, 2010.

3. Less than thirty days have elapsed since receipt by Atlantis of the summons; therefore this Notice is timely.

4. A certified copy of all process, pleadings and orders served upon Atlantis in the state court action are attached hereto as **Exhibit A**.

5. This action may be removed to this Court pursuant to 28 U.S.C. § 1441(a), because it is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, in that it arises under the Sherman Anti-trust Act, the Clayton Act and its resolution depends upon an examination and interpretation of the Health care Quality and Improvement Act of 1986, Pub. L. No. 99- 660, 100 Stat. 3784 (codified at 42 U.S.C. sec. 11101 et seq.) which was enacted to "provide incentive and protection for physicians engaging in effective professional peer review." 42 U.S.C. sec. 11101(5).

6. A copy of this Notice of Removal was filed with the Court of First Instance, Superior Court of Mayaguez, on May 21, 2010, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Atlantis removes to this Court the above action now pending in the Puerto Rico Court of First Instance, Superior Court of Mayaguez.

Respectfully Submitted in Aguadilla for San Juan, Puerto Rico, on this 21st day of May, 2010.

I HEREBY CERTIFY that a true copy of this Notice of Removal was served this 21st day of May 2010, by regular U.S. Mail, postage prepaid, upon: **Rolando Emmanuelli Jiménez**, Rovira Office Park, 623 Ave. La Ceiba, Suite 401, Ponce, P.R. 00717-1902.

S/Carla Ferrari Lugo

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